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Attorneys for Defendants
LSI CORPORATION and AGERE SYSTEMS INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BARNES & NOBLE, INC. and
BARNESANDNOBLE.COM LLC

Plaintiffs,

v.

LSI CORPORATION and
AGERE SYSTEMS INC.,

Defendants.

Case No.: 11-CV-02709 EMC

**[PROPOSED] REQUEST FOR
INTERNATIONAL JUDICIAL
ASSISTANCE (LETTER ROGATORY)**

The Hon. Laurel Beeler

1 THE UNITED STATES DISTRICT COURT for the Northern District of California
 2 presents its compliments to the Appropriate Judicial Authority of Taiwan and requests
 3 international assistance to obtain evidence to be used in a Civil proceeding before this Court in
 4 the above captioned matter.

5 **I. REQUEST**

6 This Court requests the assistance described herein as necessary in the interests of justice.
 7 The assistance requested is that the Appropriate Judicial Authority of Taiwan compel production
 8 of documents attached hereto from this corporate entity:

9 **CyberTAN Technology, Inc.**
 10 **99 Park Avenue III,**
Science Park, Hsinchu 308 Taiwan

11 The Court requests that CyberTAN produce the documents and things as specifically set
 12 out in Exhibit A to this Request. The Court understands the confidential nature of the documents
 13 requested from CyberTAN. As such, there is an interim protective order in this case to protect the
 14 confidentiality of any documents CyberTAN produces. The parties are negotiating a more
 15 detailed protective order. If the Court enters a new order, it will be sent separately.

16 **II. FACTS**

17
 18 Barnes & Noble, Inc. and Barnesandnoble.com LLC (collectively "B&N") filed suit
 19 against LSI Corporation and Agere Systems Inc. (collectively "Defendants") in United States
 20 District Court for the Northern District of California seeking a declaratory judgment that their
 21 NOOK™ line of eBook readers does not infringe certain of LSI's patents, namely United States
 22 Patent Nos. 6,707,867; 5,862,182; 6,404,732; 6,452,958; 7,583,582; 7,477,633; 5,546,420;
 23 5,920,552; 6,044,073; 5,670,730; and 6,119,091. LSI has counterclaimed, seeking damages for
 24 Barnes & Noble's infringement of these patents.

25
 26 Barnes & Noble has represented that the components relating to the technology disclosed
 27 in the patents-in-suit are produced by third parties, and it therefore is unable to produce relevant
 28 technical documentation to Defendants. Through an investigation, Defendants have discovered

1 that CyberTAN Technology, Inc. produces a component used in the infringing products. Thus, it
 2 appears that CyberTAN possesses information of relevance to this patent litigation, including
 3 information related to: (1) the design and operation of the devices it produces for use in the
 4 NOOK™ products; and (2) the implementation of wireless standards in these devices.

5 **III. EVIDENCE**

6 The documents to be produced are identified in Exhibit A. The Court's interim protective
 7 order in this case protects the confidentiality of any documents CyberTAN produces.

8 **IV. OFFER OF RECIPROCAL ASSISTANCE**

9 The United States District Court of the Northern District of California is willing to
 10 provide similar assistance to the judicial authorities of Taiwan. See 28 U.S.C. § 1782.

11 **V. REIMBURSEMENT FOR COSTS**

12 LSI Corporation's counsel (Thomas Beck of Sidley Austin LLP, 787 Seventh Ave., New
 13 York, NY 10019) is willing to reimburse the judicial authorities of Taiwan for reasonable costs
 14 incurred in executing the U.S. District Court's Letter of Request.

15 Dated: _____, 2012

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